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September 3, 2021

VIA ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *Denny Martin v. Berkshire Life Insurance Company of America*
Civ. Action No.: 20-CV-10428 (JMF)
Our File No.: 5460.0001

Dear Judge Furman:

This firm represents plaintiff, Dr. Denny Martin in the above-referenced action. This letter is written in response to Your Honor's Memorandum Opinion and Order dated August 27, 2021, which states that "... any party that believes any materials currently under seal or in redacted form should remain under seal or in redacted form is ORDERED to show cause in writing, on a document-by-document basis, why doing so would be consistent with the presumption in favor of public access." (ECF No. 31).

On August 17, 2021 opposing counsel filed ECF Nos. 24-1 through 24-6 under seal. On August 19, 2021 opposing counsel filed 27-1 through 27-6 under seal. All of these documents pertain to Dr. Martin's divorce proceeding. Dr. Martin seeks to have two documents remain under seal: ECF Nos. 24-2 / 27-2, which are identical, and ECF No. 27-3. These documents contain highly sensitive and personal information that should not be publically disclosed. For example, ECF Nos. 24-2 / 27-2 contain the name and date of birth of Dr. Martin's minor child in paragraph 2, discusses the details of Dr. Martin's medical condition in paragraph 6, and the name of the school where Dr. Martin's minor child attends in paragraph 13. Similarly, ECF No. 27-3 contains the name and date of birth of Martin's minor child in paragraph 3 and discusses the details of Dr. Martin's medical condition in paragraph 9.

For the foregoing reasons, Dr. Martin respectfully requests that the Court issue an order that ECF Nos. 24-2 / 27-2 and 27-3 remain under seal.

LIPSIUS-BENHAİM LAW, LLP
Honorable Jesse M. Furman
September 3, 2021
Page 2

We thank the Court for its attention to this matter.

Respectfully submitted,

LIPSIUS-BENHAİM LAW, LLP



Ira S. Lipsius

cc: All counsel of record (via ECF)

The Court agrees with Plaintiff's proposed sealing, which is approved in full. The Clerk of Court is directed to terminate ECF No. 32. SO ORDERED.



September 3, 2021